

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

NEDRA JONES,)
)
Plaintiff,)
) 05CV2909
v.)
) Judge Aspen
EMMIT Q. HOOSMAN,) Magistrate Schenkier
)
Defendant.)

PLAINTIFF'S MOTION FOR COSTS PURSUANT TO FRCP RULE 4(d)

NOW COMES the Plaintiff, NEDRA JONES, by her undersigned counsel, Ashman & Stein, and pursuant to FRCP Rule 4(d)(2), respectfully moves this Honorable Court to order Defendant, Emmit Q. Hoosman, to pay to Plaintiff the costs incurred to serve Defendant herein, together with the costs, including a reasonable attorney's fee, incurred by Plaintiff to bring this motion. In support thereof, Plaintiff states as follows:

1. The Complaint in this cause was filed on May 16, 2005.
2. On May 17, 2005, Plaintiff's counsel mailed to Emmit Q. Hoosman: (i) a Notice of Lawsuit and Request For Waiver of Service of Summons, together with (ii) two (2) copies of a "Waiver of Service of Summons" form, (iii) a copy of the Complaint herein, and (iv) a self-addressed stamped envelope. [Exhibit A]
3. Defendant received the aforementioned documentation, as evidenced by letters his attorney, Thaddeus Wilson, wrote to Plaintiff's counsel on both May 31, 2005 and June 4, 2005.
[Group Exhibit B]
4. Further, on July 13, 2005, Plaintiff's counsel wrote to Defendant's counsel advising him that his client had not yet waived service and that Plaintiff would take steps to serve him and

seek the costs of said service. [Exhibit C]

4. On July 29, 2005, after Defendant failed or refused to return a waiver of service herein, Plaintiff's counsel caused summons to be issued by Clerk of this Court [Exhibit D] and thereupon retained Professional's Detective Agency, Inc. to serve same upon Defendant.

5. A copy of the summons and Complaint herein was subsequently served upon Defendant in August 2005.

6. The fee of Professional's Detective Agency, Inc. to effect service upon Defendant was \$150.00 [Exhibit E].

7. Attorney's fees incurred in connection with service of the summons herein and preparation of the instant motion totals \$570.00 [Exhibit F].

Wherefore, pursuant to FRCP 4(d)(2), Plaintiff respectfully prays that this Court order Defendant to forthwith pay to Plaintiff the sum of \$720.00.

Respectfully submitted,

NEDRA JONES

By: /s/ Carey M. Stein
One of her attorneys

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